

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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CONVERGEN ENERGY LLC, L'ANSE )  
WARDEN ELECTRIC COMPANY, LLC, ) Case No. 1:20-cv-03746(LJL)  
EUROENERGY BIOGAS LATVIA )  
LIMITED, and LIBRA CAPITAL US, )  
INC. )  
Plaintiffs, )  
v. )  
STEVEN J. BROOKS, NIANTICVISTA )  
ENERGY LLC, GREGORY MERLE, )  
RIVERVIEW ENERGY CORPORATION, )  
DANIEL ESCANDON GARCIA, )  
RAMON URIARTE INCHAUSTI, )  
CHIPPER INVESTMENT SCR, SA, )  
URINCHA SL, THEODORE JOHN )  
HANSEN, BRIAN R. MIKKELSON, and )  
CONVERGEN ENERGY WI, LLC., )  
Defendants. )  
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)

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I, **VINCENT FILARDO JR.**, the undersigned, hereby declare the following under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am an attorney licensed to practice in New York State and admitted to practice before this Court. I am a Partner in King & Wood Mallesons LLP (“KWM”), counsel to defendants Daniel Escandón Garcia, Ramón Uriarte Inchausti, Chipper Invest SCR, SA, and Urincha SL (collectively, the “Spanish Defendants”) in the above-captioned action. I respectfully submit this declaration in further support of the Spanish Defendants’ Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(2) and (6) for Lack of Personal Jurisdiction and Failure

to State a Claim, respectively. I am fully familiar with, and have personal knowledge of, the facts and circumstances set forth herein.

2. On June 24, 2020 Defendants Steven J. Brooks (“Brooks”), NianticVista Energy, LLC (“Niantic”), Gregory Merle (“Merle”), and Riverview Energy Corporation (“Riverview,” and together with Brooks, Niantic, and Merle “Defendants”), responded to Plaintiffs’ First Set of Interrogatories. D.E. 148-4.

3. On September 9, 2020, Defendants served Amended Responses to Plaintiffs’ First Set of Amended Interrogatories, **attached hereto as Exhibit A**, affirming that:

Defendants do not have personal knowledge of Chipper’s ownership structure, and have learned information subsequent to their June 24 Responses revealing that their beliefs concerning Daniel Escandon Garcia’s and Ramon Uriarte Inchausti’s status, as indicated in those June 24 Responses, were incorrect. *See* Ex. A at 2.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 11<sup>th</sup> day of September 2020, in New York, New York

/s/ Vincent Filardo Jr.  
VINCENT FILARDO, JR.